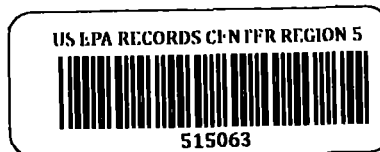


OCT 28 1980



5EWHME

Mr. Francis X. Hermann  
Assistant U.S. Attorney  
District of Minnesota  
110 South Fourth Street Room 234  
Minneapolis, Minnesota 55401

Dear Frank:

Enclosed you will find two copies of the Resource Conservation and Recovery Act along with the amendments which were signed into law on October 21, 1980. I have highlighted those portions of the amendments which are of particular significance.

Sections 3007(a), 3012 and 3013 have language which will lend credence to an argument that RCRA may be applied retrospectively. Note also that the burden of proof for "imminent and substantial endangerment" has been changed from "is presenting" to "may present". I also should point out that the administrator of the U.S. Environmental Protection Agency (U.S. EPA) may now issue orders for past or present owners or operators to monitor, test or analyze under certain circumstances (Section 1313(e)). Similar powers have also been added to Section 7003.

I also am enclosing copies of the Solvents Recovery Case and the Midco Case which interpret Section 7003 of RCRA.

If I can provide any further assistance, please let me know.

Very truly yours,

Robert E. Leininger  
Enforcement Attorney

Enclosures

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*BL 10/28/80*